

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG

JILL D. MYERS, as executrix of :  
the Estate of ELTON C. WINE, :  
Plaintiff :  
v : CIVIL ACTION NO.  
A.S. TAYLOR, individually, : 1:14-cv-00156-IMK  
M.S. HORNE, individually, :  
J.C. SAURINO, individually, :  
J. TOMBLYN, individually, :  
S.B. HUFFMAN, individually, :  
M.E. WAGGAMON, individually, :  
Defendants :

\* \* \*

Deposition of Jason C. Saurino

Tuesday, July 14, 2015

\* \* \*

a defendant herein, taken on behalf of the plaintiff in  
the above-entitled cause of action, pursuant to notice  
and the Federal Rules of Civil Procedure, by and before  
Connie M. Nichols, Registered Professional Reporter and  
Notary Public within and for the State of West Virginia,  
at the law offices of Steptoe & Johnson, PLLC, 400 White  
Oaks Boulevard, Bridgeport, West Virginia 26330,

1 BY MR. BRYAN:

2 Q. So the typical practice, in your experience,  
3 is to open the door first and then to announce that  
4 you're state police?

5 MR. MULLINS: And you're talking about with  
6 the SRT?

7 MR. BRYAN: I'm talking about as a state  
8 trooper.

9 A. More so with SRT. Not so much as an  
10 investigating officer or a field trooper. Then, it's  
11 typically not the case.

12 BY MR. BRYAN:

13 Q. So search warrant executions are different,  
14 depending on whether you're talking about just a regular  
15 field officer, field -- just a non-SRT case as compared  
16 to SRT executing a search warrant?

17 A. Yes, sir.

18 Q. Okay.

19 With SRT, the typical practice would be to  
20 breach or open the door and enter the residence first,  
21 prior to announcing that you're state police and that  
22 you have a search warrant?

23 A. I would say it's closer to a three-step  
24 process. The door is breached, announcements, and

1 criminal history involving John Bowman and also learned  
2 that he was suspected of being at Elton Wine's  
3 residence.

4 Q. Okay.

5 What are mercury switches?

6 A. It's a switch that could be used in an  
7 explosive device. It's a tube that contains mercury in  
8 it, and the movement of the mercury would activate the  
9 switch.

10 Q. Okay.

11 A. It could be an on/off switch, basically.

12 Q. It also could be -- they also are found in any  
13 number of innocuous items, such as thermostats; is that  
14 right?

15 A. Yes, yes.

16 Q. Did you also hear or come to possess  
17 information that John Bowman had a history of using  
18 explosives against police officers?

19 A. Yes.

20 Q. And where did you get that information?

21 A. Just verbally from Lieutenant Reider.

22 Q. Did you hear that anywhere else?

23 A. I don't believe I'd ever heard that before.

24 Q. Specifically, what did he tell you?

1 A. No.

2 Q. Okay.

3 I mean I didn't see any mention of John Bowman  
4 during the newspaper reports. I mean you really -- are  
5 you really making the accusation that John Bowman was  
6 involved with the bombing?

7 A. I certainly believe he could have been.

8 Q. And that's based on what?

9 A. His explanation at the deposition of where he  
10 supposedly found explosives and his involvement with his  
11 brother. It's just a suspicion. I certainly couldn't  
12 prove it, but then I don't know what deals were made  
13 during that time over the investigation. But it really  
14 wasn't -- none of this really applied at the time. I  
15 was just going off information based on -- from  
16 Lieutenant Reider, that he had involvement with this  
17 explosive device used on a deputy.

18 Q. You have no evidence that John Bowman was ever  
19 involved with any bombing, do you?

20 A. No.

21 Q. You never had any evidence that John Bowman  
22 was ever involved with any bombing?

23 A. Just -- again, just the information that I was  
24 told that night that he was and that we were acting on.

1 Q. And as we sit here today, you're aware of the  
2 fact that John Bowman was not the individual charged in  
3 that bombing? That was his brother, right?

4 MR. MULLINS: Object to form.

5 You can answer.

6 A. I don't know what he was charged with during  
7 that time or how he was investigated or if any pleas or  
8 deals were made during that time.

9 BY MR. BRYAN:

10 Q. But you don't have any indication that there  
11 was, right?

12 A. Again, I don't know.

13 Q. I mean all you know is what Lieutenant Reider  
14 told you?

15 A. Correct.

16 Q. And you never verified that allegation?

17 A. No.

18 Q. And I mean you were aware of the fact that at  
19 that time John Bowman was wanted for growing marijuana,  
20 right?

21 A. Correct.

22 Q. He wasn't wanted for any sort of violent  
23 crime, right?

24 A. No.

1 Q. You've also stated that Lieutenant Reider told  
2 you that the last time officers went to arrest John  
3 Bowman, he had taken his family hostage?

4 A. Yes.

5 Q. Do you have any evidence that that is true?

6 A. That is -- again, it's just what I've been  
7 told, just like the explosive.

8 Q. Okay.

9 When Lieutenant Reider was telling you these  
10 things, was this in person or over the phone?

11 A. Initially, over the phone, and then I met him  
12 in person.

13 Q. Where did that take place?

14 A. At the Bridgeport state police office in  
15 Harrison County.

16 Q. So was that still the same day that John  
17 Bowman's -- that the marijuana had been found at John  
18 Bowman's residence?

19 A. I don't recall if -- I believe it was -- I  
20 don't know if that was exactly the same day. I believe  
21 it was that morning, but I'm just going from memory.

22 Q. So this was a marijuana eradication effort?

23 A. That was my understanding.

24 Q. So it was basically where they fly the

1 helicopter around and just look for people growing  
2 marijuana?

3 A. Yes, sir.

4 Q. And they evidently spotted some at John  
5 Bowman's residence and moved in to check it out and  
6 found some marijuana; is that right?

7 A. That was my understanding.

8 Q. And they issued an arrest warrant thereafter  
9 for John Bowman?

10 A. Yes, sir.

11 Q. And began to look for him?

12 A. Yes, sir.

13 Q. So this wasn't somebody who had been some  
14 wanted fugitive for a number of days or weeks?

15 MR. MULLINS: Object to form.

16 BY MR. BRYAN:

17 Q. Is that right?

18 A. I believe it was within a short amount of  
19 time. But it was my understanding that he was aware  
20 that he was a wanted fugitive and that he was evading  
21 law enforcement.

22 Q. And how did you know that?

23 A. That was what was told to me.

24 Q. By Lieutenant Reider?



1 A. Yes, sir.

2 Q. Did you learn anything else from  
3 Lieutenant Reider?

4 A. Yes, sir. Just the additional criminal  
5 history of his wanton endangerment, malicious assault,  
6 the obstructing and other violent charges, as well as  
7 that he was facing a possible severe penalty for this  
8 from his previous criminal history and the amount of  
9 dope that was seized.

10 Q. Did you learn anything about Elton Wine at  
11 this time?

12 A. Yes, sir. I also learned that Elton Wine was  
13 involved and that he was suspected of being -- harboring  
14 John Bowman, and that they had a pretty, you know --  
15 they had a working relationship together, and that  
16 might -- the question initially was if we could go  
17 through Elton Wine to try to get John Bowman. Would he  
18 cooperate with us?

19 And it was made very clear that he would not  
20 cooperate with the state police and that that wasn't an  
21 option for us to try to pursue to see if we could do  
22 that.

23 Q. That was made clear by who?

24 A. The -- Lieutenant Reider. And I was also

1 speaking with First Sergeant Randy Monroe, and  
2 Corporal Steve Swiger was also involved. So I met with  
3 all three, so they were all giving me information on  
4 this case. So I can't actually say specifically who  
5 told me what.

6 Q. So your initial thought was to contact Elton  
7 Wine?

8 A. Yes.

9 Q. But they said, "No"?

10 A. Well, they said he -- we would basically be --  
11 their familiarity with him and his criminal history was  
12 that he would not be cooperative with us, so we would be  
13 compromising our location of John Bowman by trying to  
14 talk with Elton Wine.

15 Q. So I mean were they taking the position that  
16 anyone with any criminal history will be uncooperative  
17 with the state police?

18 A. I don't know what their position was. It was  
19 just that that's what --

20 Q. So they didn't explain it to you?

21 A. That was the information that they -- I think  
22 they said their familiarity with him and probably  
23 Trooper Waggamon's familiarity with him. People who  
24 have dealt with Elton Wine didn't believe he would

1 cooperate with law enforcement and that he would be  
2 likely to tell John Bowman, who would be able to walk  
3 away freely.

4 Q. Were you provided with any documentation, or  
5 was all of this verbal?

6 A. It was verbal, until I arrived at the  
7 Bridgeport detachment, and then I was provided some  
8 documentation on the location of the residence on the --  
9 I was given a driver's history of John Bowman that had  
10 his picture, and I was provided with the arrest warrant  
11 for John Bowman.

12 Q. At this time, was there a search warrant  
13 already for the Wine residence?

14 A. No, sir. It was in the process of being  
15 obtained.

16 Q. Okay.

17 So who was going to obtain that?

18 A. Corporal Waggamon.

19 Q. Was he there at this time?

20 A. No, he was obtaining the search warrant.

21 Q. And who asked him to do that? Do you know?

22 A. I'm not sure.

23 Q. So what happened next?

24 A. So I began to put my notes together for a

1 briefing about our plan of operation. And I notified  
2 the team members and requested they respond to the state  
3 police detachment, and began to ready a briefing and a  
4 plan of operation to attempt to secure Mr. Bowman.

5 Q. And was it explained to you at that time why  
6 they believed that Bowman may be at the Wine residence?

7 A. At the time, I believe that there was a third  
8 party. I can't remember if I knew the relationship at  
9 the time. I do now, but they contacted law enforcement  
10 and said that they heard John Bowman at the residence  
11 and had reasonable suspicion to believe that he was  
12 still there.

13 Q. At some point, did you have -- did you brief  
14 the other SRT team members?

15 A. Yes, sir.

16 Q. And tell me about that.

17 A. When everyone arrived, I basically used  
18 military operation order format. I just gave the  
19 purpose for what we were there for, to locate  
20 Mr. Bowman, and the residence that he was being harbored  
21 at and the situation with the persons involved, which  
22 was Mr. Bowman and Mr. Wine.

23 And I gave the information about their  
24 criminal histories and gave information that I learned

1 had notified Elton Wine about John Bowman being wanted  
2 for arrest?

3 A. No.

4 Q. It was your understanding that nobody from law  
5 enforcement had asked Elton Wine if he knew the  
6 whereabouts of John Bowman?

7 A. No.

8 Q. In fact, law enforcement was assuming that  
9 Elton Wine was engaging in criminal behavior and  
10 harboring John Bowman?

11 A. That appeared to be the suspicion that was  
12 passed to me.

13 Q. So as far as you knew, there wasn't -- strike  
14 that.

15 All right.

16 So following the briefing, what happened?

17 A. We donned our protective gear and began to  
18 travel on route to the residence there, Elton Wine's  
19 residence.

20 Q. And what happened once you got there?

21 A. We exited the vehicle. We stopped about  
22 400 yards short, based on the layout and the open area.  
23 There was also suspected to be a fence, so we didn't  
24 want to try to drive in, come across a fence and have to

1 try to -- basically, we'd be compromised. So we made  
2 the decision to walk towards the residence and make  
3 entry of the residence.

4 Q. Did you have photographs of the Wine residence  
5 prior to going?

6 A. Like a Google Maps photograph. I don't know  
7 if it was specifically Google, but it was an aerial  
8 picture.

9 Q. So you guys approached by foot?

10 A. Yes, sir.

11 Q. It was dark outside?

12 A. Yes.

13 Q. Was the search warrant approved prior to  
14 leaving for the residence?

15 A. My understanding is that it had been signed  
16 before we left the detachment and that Corporal Waggamon  
17 would meet us out near the residence.

18 Q. Okay.

19 And did Corporal Waggamon meet you there?

20 A. We -- yes, sir. Yes, sir, he was out there,  
21 not as part of our operation but as the investigating  
22 officer.

23 Q. Okay.

24 What happened as you guys approached the

1 residence?

2 A. We were -- again, we were walking on foot  
3 towards the residence. Dogs started barking, which gave  
4 me some concern as to whether we were compromised or  
5 not. Part of our element broke off. Sergeant Curran,  
6 Trooper Whetzel and Trooper Anderson and the K-9, Ike,  
7 went towards the back of the residence to the cover the  
8 perimeter security, rear security, and the rest of the  
9 element approached on the porch. I heard  
10 Sergeant Huffman call for a breach. Trooper Taylor  
11 breached the door, and the team made entry.

12 The first voice I remember hearing was  
13 Sergeant Huffman. I believe he said something to the  
14 effect of, "State police. Put your hands on your head."  
15 I heard other members as they entered, echoing, "State  
16 police. Search warrant."

17 We cleared the house. I encountered another  
18 locked door towards the rear of the residence. I called  
19 for a breach. Trooper Taylor broke that door for me.  
20 We went in and found an unoccupied bedroom.

21 Q. Was the decision made before you got there to  
22 breach the door prior to announcing your presence?

23 A. Yes.

24 Q. Or was that a decision that was made on the

1 other than that, I'm pretty well very last.

2 Q. Okay.

3 Did you not have a medic?

4 A. No, we didn't that night.

5 Q. Why not?

6 A. He was deployed in the military, I believe.

7 Q. Okay.

8 So you guys walk up to the door.

9 Sergeant Huffman was first in the lead; is that right?

10 A. Yes.

11 Q. And then he called for the breach?

12 A. Yes.

13 Q. So do you know whether he tested the door to  
14 see if it was locked or not?

15 A. That's standard practice, but I didn't see  
16 exactly.

17 Q. All you did -- you just heard him call for a  
18 breach?

19 A. Yes, sir.

20 Q. Okay.

21 And then Trooper Taylor brought his ram to the  
22 door?

23 A. Yes, sir.

24 Q. And the next thing that happened was that he



1 busted through the door?

2 A. Door breaks, and I hear Sergeant Huffman  
3 announcing.

4 Q. And did he walk through the doorway before  
5 announcing?

6 A. It's announce as the entry is made. Like I  
7 said, it's a three-step process. It would be door break  
8 and announcements as you enter. Now, that's a very -- I  
9 understand that's a very narrow time frame when all that  
10 happens, but that's the order.

11 Q. Okay.

12 So what happened next?

13 A. Basically, what I explained was that we went  
14 through the house. I saw Sergeant Huffman with  
15 Mr. Wine. I went through and encountered the locked  
16 door to the rear of the residence.

17 Q. What did you hear Sergeant Huffman say to  
18 Mr. Wine?

19 A. I heard him say, "Place your hands on your  
20 head," and announcing, "State police."

21 Q. Okay.

22 Did you personally observe Elton Wine?

23 A. Yes.

24 Q. And where was he when you saw him?

1           A.     On the couch, in what I'd call the middle  
2     living room area.

3           Q.     Was there a TV on?

4           A.     I believe so.

5           Q.     So it appeared to you that he was sitting on  
6     his couch, watching TV?

7           A.     Yes.

8           Q.     Did he appear to have been surprised?

9           A.     I wouldn't say I saw that well. It'd probably  
10    be more peripherally as I was going back towards the  
11    rear of the residence.

12          Q.     Did you hear Elton Wine say anything at that  
13    time?

14          A.     I don't remember.

15          Q.     So you ran towards the rear of the residence  
16    and requested another door breach?

17          A.     Yes, sir. I passed -- there was a -- it  
18    seemed like there was a kitchen on the left and the door  
19    on the right. And I went to clear that door, but it was  
20    locked. So, yeah, I called for another breach.

21          Q.     Okay.

22                   What happened next?

23          A.     That door was breached, and we went and  
24    cleared that room. And there was no one in there.

1 Q. And John Bowman was not found in the house,  
2 correct?

3 A. No.

4 Q. Did you find any evidence that John Bowman had  
5 been in the house since he was a fugitive?

6 A. There was a -- I believe there was a bedroll  
7 found in one of the rear outbuildings between three  
8 other residences. We entered the door of the  
9 outbuilding behind it, and a bedroll was found.

10 Q. And you heard the -- you were here for the  
11 deposition of Elton Wine's daughter, correct?

12 A. No, sir.

13 Q. You weren't here for that?

14 A. Just for Mr. Bowman and his children, I  
15 believe.

16 Q. I believe she has said that that was hers.  
17 That's where she slept sometimes. But you don't have --  
18 in any event, you don't have any evidence that -- tying  
19 that bedroll to John Bowman, do you?

20 A. Just circumstantial.

21 Q. Well, I mean a lot of people would have  
22 bedrolls at their residence and are not harboring  
23 fugitives, right?

24 A. That was kind of actually unusual to see.

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1 Q. Why is that?

2 A. A bedroll lying out. With all the other  
3 circumstances, that we would find a bedroll in an  
4 outbuilding where he was suspected of hiding. It seemed  
5 kind of consistent with that activity, to me.

6 Q. Other than the bedroll, did you find any of  
7 John Bowman's belongings along with it or evidence that  
8 he had been there?

9 A. I wouldn't have been aware if it was or  
10 wasn't.

11 Q. Other than the bedroll, do you have any  
12 evidence that John Bowman had been there?

13 MR. MULLINS: That's not in the information  
14 he was given beforehand. I mean you're asking if he  
15 found any evidence after he got there?

16 MR. BRYAN: Yeah.

17 A. At the house, I wouldn't know. I mean there  
18 was nothing like a suitcase with his name on it or  
19 anything like that.

20 BY MR. BRYAN:

21 Q. Well, when you guys got there in the dark, you  
22 surrounded the house in silence, right?

23 A. We -- yes, sir. We kind of split off. One  
24 went to the front. One went to the back door. One

1 Q. And what did you observe there?

2 A. Just a belligerent Elton Wine that was  
3 refusing to cooperate with Sergeant Huffman. I saw him  
4 pulling away. And then Sergeant Huffman went to secure  
5 him. By my observation, it appeared -- I saw a very  
6 defiant and aggressive Elton Wine that was doing  
7 everything to stop Sergeant Huffman from taking him in  
8 peacefully and securing him.

9 Q. Okay.

10 So he was going to be handcuffed regardless of  
11 his behavior, right?

12 A. That's normal policy. We go in and secure  
13 everyone to protect from any kind of threat. There are  
14 some circumstances where not everyone is handcuffed.  
15 Sometimes we come across a child or something like that  
16 in a residence. But it's most of the time. Everyone in  
17 this particular case, definitely. Both John Bowman and  
18 Elton Wine would have been. I would've expected them to  
19 be secured until we could finish clearing everything.

20 Q. Okay.

21 So except for a child maybe, anyone in the  
22 residence that you find is going to be handcuffed during  
23 the search, as a practice?

24 A. As a practice, they're all -- you've got to

1 down to the floor from the couch?

2 A. Yes.

3 Q. Did you see Sergeant Huffman handcuff  
4 Mr. Wine?

5 A. Yes.

6 Q. Did you observe him strike Mr. Wine at all?

7 A. No.

8 Q. Did you observe any pain-compliance  
9 techniques?

10 A. Basically, a wristlock to try to get him to  
11 remove his hand that was tucked under his body.

12 Q. So it would've been a wristlock on his right  
13 hand? Do you recall?

14 A. I don't recall exactly.

15 Q. What is a wristlock?

16 A. It's a joint manipulation to try to gain  
17 compliance. It's basically a hands-on force to get them  
18 secure so that they can be handcuffed.

19 Q. Do you recall whether Mr. Wine was injured as  
20 a result of any uses of force by Sergeant Huffman?

21 A. I remember that as he was securing him and he  
22 went to the ground, there was a table offset from the  
23 couch. And there was glass on that table, and it  
24 shattered and broke on the ground. So there was -- I

1 mean, again, Mr. Wine was apparently doing everything he  
2 could to resist being handcuffed. He was swinging arms,  
3 moving out, keeping his hand under -- keeping his arm  
4 underneath him.

5 Q. Was this before you asked him where John  
6 Bowman was?

7 A. Yes.

8 Q. Okay.

9 Do you recall seeing any blood?

10 A. I'm sure I was in a position to be there to  
11 see it, but I don't really recall it.

12 Q. What broke the furniture or broke the glass?

13 A. I wouldn't know what hit it. I believe it was  
14 just their bodies, and then that process of taking him  
15 down and him kicking out and fighting that made it get  
16 knocked over. But I didn't see specifically what hit  
17 the table or if it was even Sergeant Huffman moving to  
18 the side to -- if he bumped it. I have no idea what  
19 knocked that over.

20 Q. Okay.

21 What happened next?

22 A. We were securing the residence, and I remember  
23 seeing Matt Horne come out and his -- he looked  
24 panicked, to me, and asked for a handcuff key. And I

1 took that to mean that there was a problem. He didn't  
2 articulate it, but it seemed to me like there was some  
3 sort of medical emergency going on with Mr. Wine at that  
4 time. So I -- we got him a handcuff key.

5 I asked Sergeant Tomblyn, Josh, to -- having  
6 known that Josh had been a paramedic, I asked him to go  
7 in and give them some assistance.

8 And I also radioed Lieutenant Reider and asked  
9 that -- and told him that it was clear for them to come  
10 to the scene and to request that EMS respond as well.  
11 We had EMS staged down the road.

12 Q. But how long was that after the time that you  
13 left Mr. Wine?

14 A. I can't say exactly. I would guess within a  
15 couple minutes.

16 Q. Where was Lieutenant Reider at this time?

17 A. I don't know exactly, but they were -- they  
18 were staged down the road from us, the road we used to  
19 approach towards the residence. They would've been  
20 behind our van a little farther down the road. We  
21 passed EMS when we went there, and then they staged  
22 nearby. But I'm not sure exactly where.

23 Q. So who called EMS?

24 A. I couldn't say exactly. I requested that of



1 Lieutenant Reider. And then I know that EMS came a  
2 short time later.

3 Q. Did you go back in to see Elton Wine?

4 A. No, sir.

5 Q. Why not?

6 A. We were -- as far as entry, we were complete  
7 at that time.

8 Q. So you basically turned the scene over to  
9 the -- to Lieutenant Reider?

10 A. Investigators and EMS there.

11 Q. Did you ever observe Elton Wine assault or  
12 attack or attempt to attack any police officer that  
13 night?

14 A. No, sir.

15 Q. Did you ever see him grab anybody's gun?

16 A. No, I didn't see that.

17 Q. Other than hearing Elton Wine tell you  
18 something to the effect that he didn't know where John  
19 Bowman was, do you recall any specific words that Elton  
20 Wine said that night?

21 A. Just that -- I just remember his -- I don't  
22 remember the exact words, but he was being belligerent  
23 and apparently doing everything he could to resist  
24 cooperation with Sergeant Huffman. And his actions were

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1 But it didn't save his life.

2 Q. They didn't unhandcuff him, right?

3 A. Well, initially, no.

4 Q. Well, they didn't unhandcuff him during pretty  
5 much all of his medical difficulties, according to the  
6 testimony we've heard.

7 A. It sounds like they didn't when he was talking  
8 and being belligerent with them. No, they didn't  
9 unhandcuff him. But when he started having a medical  
10 emergency, they did at least what they could perceive.

11 Q. And you weren't there for any of that when  
12 that took place, right?

13 A. No, I just based it off the testimony we just  
14 heard.

15 Q. Okay.

16 But you're -- as the team leader, you're okay  
17 with them not releasing the handcuffs when Mr. Wine  
18 asked that they be released so that he could breathe and  
19 care for himself?

20 A. With what they explained was going on at the  
21 time, I support their decision. I wasn't there to read  
22 his actions. I couldn't make that call. But with what  
23 they explained, it didn't sound like they recognized any  
24 distress. As soon as they recognized distress, they

1 Q. And tell me what kind of factors you look at  
2 to make that decision.

3 A. We look at the history of the person involved.  
4 We look at the gravity of the situation, whether it's --  
5 how serious is the warrant, how serious is the  
6 situation, whether it be an active shooter, you know,  
7 all the way down to maybe a misdemeanor offense. We  
8 look at the presence of weapons, the number of people  
9 involved, the location of the area. And I would say  
10 those are some of the major factors. I'm probably  
11 forgetting a thing or two.

12 Q. Is it kind of the totality of the  
13 circumstances and the factors that would indicate to you  
14 whether or not there would be a danger to the team -- or  
15 trooper, if somebody tried to the execute the warrant  
16 without the team?

17 A. Yes, sir. It's basically a hierarchy of life.  
18 We place, of course, innocent people or the citizens and  
19 then the troopers and then SRT is -- we place ourselves  
20 before the -- we would basically lay down our lives  
21 before the troopers to try to protect them. So we want  
22 to keep as many people safe as we can. So if it seems  
23 like it would be dangerous for a regular trooper to  
24 execute that warrant, then we'll put ourselves in harm's

1 history, everything they've been charged and recorded  
2 for. It doesn't mean there aren't other charges that  
3 exist, but the charges that have been taken in and  
4 processed properly and that have fingerprints taken with  
5 them go to the III/CIB.

6 Q. John Bowman, according to his III, had been  
7 arrested for assault, domestic assault, domestic  
8 battery, grand larceny, unlawful wounding, domestic  
9 battery again, possession with intent to distribute,  
10 unlawful taking of a vehicle, battery, another battery,  
11 obstruction of an officer, obstruction of property,  
12 another battery, another battery, trespassing structure  
13 or conveyance, another battery, destruction of property,  
14 malicious assault, malicious wounding, another charge of  
15 malicious assault and malicious wounding.

16 Are those the kinds of factors that would  
17 weigh on your mind in determination of whether or not  
18 you would use the SRT?

19 A. Yes, sir.

20 Q. And Mr. Bowman testified that he was also  
21 convicted of being a felon in possession of a firearm.  
22 Do you recall -- you were at his testimony, right?

23 A. Yes, that's correct.

24 Q. And that was information you were given prior

1 to the execution of this warrant as well, right?

2 A. Yes, sir.

3 Q. And so if somebody has a history of violent  
4 crimes, has been convicted of a felony and then even  
5 after they were convicted of a felony gets convicted of  
6 being in possession of a firearm when they are not  
7 allowed to be, those are the types of factors you'd  
8 consider in utilizing the SRT, right?

9 A. Yes, sir. And in that particular case, too,  
10 coupled with the ammunition that was found at his  
11 residence and no firearm, made me concerned that he was  
12 in possession of those firearms.

13 Q. There was a search warrant executed on John  
14 Bowman's house well before the search warrant on  
15 Mr. Wine's house, right?

16 A. Yes, sir.

17 Q. And there were bullets found in his house but  
18 no gun, right?

19 A. Correct.

20 Q. And you couple that with all the violent  
21 crimes that he's been charged with or convicted of, and  
22 being a felon in possession, and having this  
23 overhanging, current, new charge of growing a large  
24 amount of marijuana, and those are factors that the

1 SRT -- that you'd want to consider as an SRT member,  
2 right?

3 A. Yes, sir.

4 Q. And you also had looked -- you also had other  
5 information beyond the III that had been provided to you  
6 by the investigating officers, too, right?

7 A. Yes, sir.

8 Q. About John Bowman's history that these  
9 officers in the area knew from word of mouth, right?

10 A. Correct.

11 Q. And you evaluated and took that into  
12 consideration, too, correct?

13 A. Yes, sir.

14 Q. And then Elton Wine -- you were in possession  
15 of his criminal history as well, right?

16 A. Yes, sir.

17 Q. Through his III, right?

18 A. Yes, sir. Told that information.

19 Q. And he had been convicted of domestic battery?

20 A. Yes, sir.

21 Q. And assault, a brandishing.

22 What does "brandishing" mean to you?

23 A. It means that he pulled a weapon on another  
24 person in some type of threatening manner.

1 Q. And he had been convicted of that according to  
2 his III as well, right?

3 A. Yes, sir.

4 And, specifically, a firearm on brandishing.

5 Q. And those kinds of factors -- they would be  
6 something that you would consider in this situation  
7 where you're going into Elton Wine's house to look for  
8 John Bowman?

9 A. Correct.

10 MR. MULLINS: That's all the questions I  
11 have.

12 \* \* \*

13 E X A M I N A T I O N

14 BY MR. BRYAN:

15 Q. All these things that your attorney listed,  
16 John Bowman's criminal history, Elton Wine's criminal  
17 history, the result of the search of the Bowman  
18 residence -- you knew all of these things. All of these  
19 things were known prior to the application of the search  
20 warrant for the Elton Wine residence, right?

21 A. That's correct.

22 Q. So if the situation was legitimately so  
23 dangerous that there should be no-knock and announce  
24 made, this could have been presented to the magistrate

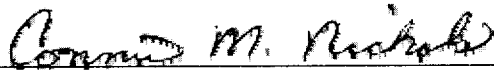
1 THE STATE OF :  
WEST VIRGINIA :  
2 : SS: C E R T I F I C A T E  
COUNTY OF OHIO :  
3  
4

5 I, CONNIE M. NICHOLS, Notary Public within and  
for the State of West Virginia, duly commissioned and  
qualified, do hereby certify that the within-named  
6 witness, JASON C. SAURINO, was by me duly sworn to  
testify to the truth, the whole truth and nothing but  
7 the truth in the cause aforesaid.

8 I do further certify that I am not a relative,  
9 counsel or attorney of either party, or otherwise  
interested in the event of this action.  
10

11 I further certify that the reading and signing  
of the transcript was requested.  
12

13 IN WITNESS THEREOF, I have hereunto set my  
hand and affixed my seal of office at Wheeling,  
14 West Virginia, on the 27th day of July 2015.

15  
16  
17   
18 CONNIE M. NICHOLS, Notary Public  
within and for the State of  
19 West Virginia



20 My Commission expires:  
21 October 16, 2016  
22  
23  
24



Statement of Sergeant Jason C. Saurino of the West Virginia State Police Special Operations written on Sunday, September 16, 2012 at approximately 1600 hours at the WVSP Morgantown Detachment.

On Thursday, September 13, 2012 at approximately 1850 hours, this officer received a telephone call from Lieutenant Reider, Executive Officer of the West Virginia State Police Troop 1 Headquarters, advising that a search warrant was being obtained for a residence in Doddridge County for the suspect, John W. Bowman and Lt. Reider was requesting that our Special Response Team be activated for the execution of the search warrant. This officer had earlier spoke by telephone with Captain Merrill, Lt. Reider and First Sergeant Monroe concerning John Bowman and had learned that John Bowman was suspected of cultivating a large amount of marijuana and that he was currently a fugitive believed to be hiding at the residence of Eldon Wine of Doddridge County. This officer learned from Lt. Reider that John Bowman had an extensive criminal history to include but not limited to: criminal conspiracy to use explosives that resulted in serious injury to an officer, firearms violations, assault, domestic assault, domestic battery, obstructing an officer, wanton endangerment and malicious assault. Lt. Reider stated that the last time officers went to arrest John Bowman; he had taken his family hostage. This officer also learned from Lt. Reider that a search warrant had been executed at the Bowman residence and officers discovered numerous mercury switches (possibly used in manufacturing improvised explosive devices) as well as ammunition for a .308 caliber rifle and 12 gauge ammunition for a shotgun leaving this officer to believe that the suspect was in possession of one or both of these firearms. This officer learned that John Bowman had recently served time in Federal Prison and was likely to face up to life for the cultivation warrant that was currently a fugitive for. This officer had also learned that the homeowner that was concealing John Bowman was not likely to cooperate with authorities and also had an extensive criminal history to include but not limited to: convicted felon in possession of firearms, brandishing, possession of cocaine, assault and battery.

On this same date, at approximately 1900 hours, this officer notified SRT Alpha members: Sgt. J. Tomblin, Sgt. W. J. Curran II, TFC G. S. DeWeese, TFC R. J. Busick, TFC A. S. Taylor and TFC M. S. Horne and requested they respond to the WVSP Bridgeport office for an SRT call-out. This officer then notified Sgt. S. B. Huffman, SRT Charlie Team Leader, and requested that he and any of his local team members respond as well. Sgt. Huffman called this officer back a few minutes later and stated that TFC M. M. Massie and Sr. Tpr. T. S. Perry would be responding to the Bridgeport Detachment as well. This officer then notified K-9 handler C. D. Whetzel of the WVSP and requested that he contact sniper support for perimeter security and that they respond to the Bridgeport Detachment. TFC Whetzel telephoned this officer back a short time later and advised that TFC R. D. Anderson would be responding for sniper and perimeter support. This officer then telephoned 1/SGT Arthur, Executive Officer of the West Virginia State Police Special Operations, explained the situation and requested approval for the operation. 1/SGT Arthur approved the utilization of SRT members and advised he would contact Cpt. Stonestreet, our commander of Special Operations.

EXHIBIT	1
WIT:	Saurino
DATE:	7/14/15
C. M. NICHOLS, REPORTER	

*Sgt. J. C. Saurino*

WVSP000033

On this same date, at approximately 2030 hours, this officer arrived at the WVSP Bridgeport Detachment and met with Lt. Reider, 1/SGT Monroe, 1/SGT Tierney, Cpl. Swiger and Cpl. Waggamon. This officer was provided a driver history with photograph of the suspect, John Bowman, a copy of the arrest warrant for John Bowman and copies of photographs of the residence the suspect was believed to be hiding at. This officer learned that Cpl. Waggamon would be requesting approval for the search warrant by a Magistrate and would advise if and when the search warrant was approved. This officer then began working on an operations plan while waiting for SRT members to arrive.

On this same date, at approximately 2115 hours, this officer briefed all team members on the particulars of the operation. Due to a long clear driveway approach and the belief that there was a fence along the driveway, this officer chose for SRT members to make an approach by foot while it was still night to try to best insure the safety of the operation by limiting the amount of time the suspect could become armed or escape from the residence. Investigating Officers would stage along Route 23 and respond at the time the residence was secure. This officer requested that EMS be notified that an operation would be conducted in the area and that they be on standby. This officer learned from Cpl. Swiger that the search warrant had been approved and that Cpl. Waggamon would meet near the area where the search warrant was to be executed. SRT members donned their protective vests and gear with the identifying labels of the State Police.

On this same date, at approximately 2150 hours, SRT members loaded in SRT Alpha's van and Cpl. Swiger drove towards the residence from the Bridgeport Detachment. The drive took approximately 45 to 50 minutes. Cpl. Swiger stopped approximately 400 yards from the residence and identified the residence to this officer. SRT members then exited on foot and approached the residence without incident. The entry team approached to front door of the residence while the K-9 support team went towards the rear of the residence. This officer heard Sgt. Huffman call for a "breach" or forced entry of the door and this officer observed TFC Taylor move forward with the ram. Forced entry was then made through the front door and this officer heard Sgt. Huffman immediately call, "State Police, put your hands on your head!" This officer heard several members echo the command of "State Police, Search Warrant!" as members entered the residence. As this officer passed through the residence this officer observed a man, later identified as Eldon Wine, sitting on a couch that Sgt. Huffman was giving verbal direction to. This officer encountered a locked door towards the rear of the residence and requested an interior breach. TFC Taylor utilized a ram to force the door and this officer made entry into a bedroom and discovered the room was empty. This officer then came back to the room where Mr. Wine was and asked him where John Bowman was. Mr. Wine advised that he did not know. This officer observed Sgt. Huffman "go cold" meaning he secured his weapon while covered by TFC Busick, then attempted to secure Mr. Wine for Mr. Wine's safety and the safety of the team. This officer observed Mr. Wine was obviously not compliant with Sgt. Huffman's verbal requests and was pulling away from him, then

*Sgt. J. C. Swiger*  
WVSP000034

tucking his arm under his body as he went prone on the floor creating a potentially dangerous situation for himself and the team as SRT members did not know if he was armed and reaching for a weapon. This officer observed Sgt. Huffman utilized a wrist lock on Mr. Wine which brought compliance by Mr. Wine and Mr. Wine was able to be handcuffed for officer safety. This officer then heard Sgt. Huffman ask for someone to get Mr. Wine's inhaler at which time TFC Horne was able to locate and provide the inhaler. Mr. Wine was then escorted to a chair in the neighboring kitchen and this officer requested that TFC Horne and TFC Taylor stay with the suspect. This officer then directed the rest of the team to search several outbuildings in the curtilage of the search warrant and this officer exited the residence with the remainder of the team. Upon meeting with the perimeter team, this officer learned from Sgt. Curran that there was a pillow and a bedroll in a barn at the rear of the residence that had appeared to be recently used. This officer radioed Lt. Reider and advised that we had one in custody; however, the primary suspect had not yet been located and SRT members would begin searching the outbuildings. Prior to securing the neighboring garage, this officer observed TFC Horne exit the residence and request a handcuff key. This officer believed from his sense of urgency that Mr. Wine was experiencing a medical emergency. This officer requested that Sgt. Tomblyn, having previous experience as a Paramedic, assist TFC Horne with Mr. Wine. This officer then radioed Lt. Reider and requested that the investigating officers come to the scene and that EMS respond for Mr. Wine. This officer then cleared the remaining outbuildings with SRT members with no contact with the suspect, John Bowman. Control of the scene and investigation was turned over to the investigating members upon their arrival.

*Sgt. J C Samson*